



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,276	08/06/2001	Peter Daniel Gray	11709-5	1504

7590 09/22/2004

H. Samuel Frost  
Bereskin & Parr  
Box 401  
40 King Street West  
Toronto, ON M5H 3Y2  
CANADA

EXAMINER
----------

BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
----------	--------------

2113

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,276

Applicant(s)

GRAY, PETER DANIEL

Examiner

Scott T Baderman

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2&amp;4</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2113

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 4 is objected to because of the following informalities: In lines 2-3, "the devices" lacks antecedent basis. Appropriate correction is required.
2. Claim 11 is objected to because of the following informalities: In line 1, "said control stage" lacks antecedent basis. Appropriate correction is required.
3. Claim 44 is objected to because of the following informalities: The period is missing. Appropriate correction is required.
4. Claim 67 is objected to because of the following informalities: In line 4, "said one or more second signals" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-21, 23, 25-29, 31, 33-38, 40, 42-43, 52-55, 57, 59-62, 64, 66-72, 74, 76-80, 82, 84-89, 91, 93-94, 103-105, 107, 109-112, 114 and 116-119 are rejected under 35 U.S.C. 102(e) as being anticipated by Worley et al. (6,651,190).

As in claims 1, 14, 16, 20, 25, 28, 33, 37, 42, 54, 59, 61, 66, 69, 71, 76, 79, 84, 88, 93, 104, 109, 111, 116, 117 and 119, Worley discloses a system for remotely monitoring and controlling a computing device, said apparatus comprising one or more stages adapted to: (a) receive one or more first signals from a controlled computing device coupled to said apparatus (Abstract); (b) receive one or more second signals from a user over a network connection (Abstract); (c) transmit at least one of said one or more first signals to said user over said network connection (i.e., Worley teaches that by diagnosing problems, implies an error indicator/message could also be outputted) (Abstract, column 2: lines 30-37); and (d) transmit said one or more second signals to said controlled computing device (Abstract); wherein said apparatus is coupled to a relay, wherein said relay is coupled to both said controlled computing device and a power source for said controlled computing device, wherein said relay is moveable

Art Unit: 2113

between a first position and a second position, wherein in said first position, said relay causes said power source to be coupled to said controlled computing device, wherein in said second position, said relay causes said power source to be decoupled from said controlled computing device, and wherein at least one of said one or more stages controls the movement of said relay between said first and second positions (i.e., the movement between the positions of the relay is interpreted as performing a reset (power down/up), wherein Worley clearly teaches that power is “toggled” to perform the reset) (Figure 3, Abstract) .

As in claims 2, 15, 26, 34, 35, 70, 77, 85 and 86, Worley discloses a system wherein each of said first signals is selected from the set of: a video signal, and an output data signal (Figures 2 and 4, column 3: lines 27-32, column 5: lines 39-44, column 8: lines 55-64).

As in claim 3, Worley discloses a system wherein each of said second signals is selected from the set of: a signal generated by a keyboard, a signal generated by a mouse, and a signal generated by an input device (Figures 2 and 4, column 3: lines 27-32, column 5: lines 39-44, column 8: lines 55-64).

As in claim 4, Worley discloses a system wherein at least one of said one or more first signals transmitted to said user are transmitted to one of the devices selected from the set of: a video display device, a text display device, and an output peripheral device (Figures 2 and 4, column 3: lines 27-32, column 5: lines 39-44, column 8: lines 55-64).

As in claims 5 and 52, Worley discloses a system further comprising a converter for converting at least one of said one or more first signals into digitized form for transmission over said network connection (this is implied being that the data is transmitted over the Internet) (Figure 3, Abstract, column 7: lines 28-53).

As in claim 6, Worley discloses a system wherein said converter is adapted to convert into digitized form at least one of said one or more first signals from each of a plurality of computing devices coupled to said system (Figures 2 and 3, Abstract, column 7: lines 28-53).

As in claim 7, Worley discloses a system wherein said one or more stages are further adapted to receive signals from a plurality of users, and to transmit signals to a plurality of users (i.e., the term "technician" implies multiple users) (Abstract, column 1: lines 33-58).

As in claim 8, Worley discloses a system wherein said apparatus further comprises a multiplexer for coupling to a plurality of computing devices and for permitting said user to select a controlled computing device to be monitored from said plurality of computing devices (i.e., it is implied that the monitored computer can be any number of computers to select from) (column 1: lines 37-39).

As in claim 9, Worley discloses a system wherein said apparatus comprises a plurality of multiplexers, each of said plurality of multiplexers for coupling to a plurality of computing devices, wherein said plurality of multiplexers permits each of a plurality of users to select a

Art Unit: 2113

controlled computing device to be monitored from said plurality of computing devices (i.e., it is implied that the monitored computer can be any number of computers to select from) (column 1: lines 37-39).

As in claim 10, Worley discloses a system wherein said one or more stages comprise a video input stage and a control stage, wherein said video input stage is implemented using a first device, and wherein said control stage is implemented using one or more second devices (Figures 2 and 4, column 3: lines 27-32, column 5: lines 39-44, column 8: lines 55-64).

As in claims 11 and 17, Worley discloses a system wherein said control stage is implemented using a microprocessor and a gate array (implied) (Figure 2).

As in claims 12 and 18, Worley discloses a system wherein said one or more stages are implemented using a single semiconductor device (implied) (Figure 2).

As in claims 13 and 19, Worley discloses a system wherein said single semiconductor device is a microprocessor (implied) (Figure 2).

As in claims 21, 29, 38, 55, 62, 72, 80, 89, 105 and 112, Worley discloses a system further comprising a storage device, wherein said message comprises data for a log record for storing in said storage device (column 10: lines 17-33).

As in claims 23, 31, 40, 57, 64, 74, 82, 91, 107 and 114, Worley discloses a system wherein said apparatus is coupled to a network, and wherein said message is sent to a user through said network (Figure 3, Abstract, column 2: lines 30-37).

As in claims 27 and 78, Worley discloses a system wherein said one or more stages are adapted to determine whether said controlled computing device is operating in a text mode and to generate said error indicator if said controlled computing device is operating in a text mode (i.e., the “blue screen of death”) (column 9: lines 32-41).

As in claims 36 and 87, Worley discloses a system wherein said one or more stages are adapted to perform one of the following to determine if an error condition is present in said controlled computing device: (i) a first string detection method, wherein said one or more stages are adapted to determine whether said output data signal comprises a prespecified string of characters, and wherein said one or more stages are further adapted to generate said error indicator if said output data signal comprises said prespecified string of characters (Figure 2, column 5: lines 32-54); and (ii) a second string detection method, wherein said one or more stages are adapted to determine whether said output data signal has not comprised a prespecified string of characters within a prespecified interval, and wherein said one or more stages are further adapted to generate said error indicator if said output data signal has not comprised said prespecified string of characters within said prespecified interval (Worley teaches part (i)).



Art Unit: 2113

As in claims 43, 53, 94 and 103, Worley discloses a system wherein said one or more stages are adapted to generate one or more test signals (e.g., a ping request), wherein said one or more test signals are transmitted to said controlled computing device and are used to determine if an error condition is present in said controlled computing device, and wherein said one or more first signals comprise signals that are generated by said controlled computing device in response to said one or more test signals (column 5: lines 55-67, column 8: lines 55-64, column 9: lines 14-50).

As in claims 60 and 110, Worley discloses a system wherein said controlled computing device is a web server, wherein said one or more test signals comprise a request to retrieve a web page (by determining if the computer can address the network, which includes web servers, implies determining if a web page can be accessed as well), wherein said one or more stages are adapted to determine whether a web page was not successfully retrieved from said controlled computing device in response to said request to retrieve said web page, and wherein said one or more stages are further adapted to generate said error indicator if said web page was not successfully retrieved from said controlled computing device in response to said request to retrieve said web page (Figures 3 and 4, column 1: lines 13-24, column 5: lines 55-67).

As in claim 67, Worley discloses a system wherein said one or more stages are further adapted to determine whether one or more selected error conditions of a plurality of error conditions are present in said controlled computing device from said one or more second signals, and to generate one or more error indicators to indicate which error conditions of said plurality of

Art Unit: 2113

error conditions are present in said controlled computing device (column 9: line 14 – column 10: line 33).

As in claims 68 and 118, Worley discloses a system wherein said apparatus further comprises software that allows a user to define said plurality of error conditions (column 9: line 14 – column 10: line 33).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 22, 24, 30, 32, 39, 41, 56, 58, 63, 65, 73, 75, 81, 83, 90, 92, 106, 108, 113 and 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley et al. in view of McGregor et al. (6,243,574).

As in claims 22, 24, 30, 32, 39, 41, 56, 58, 63, 65, 73, 75, 81, 83, 90, 92, 106, 108, 113 and 115, Worley discloses the system above. However, Worley does not clearly disclose wherein said data comprises a date and a time that indicates when said error condition was determined, and wherein said message is an electronic mail message comprising details of said error condition. McGregor discloses a system wherein when errors are detected, the date and

Art Unit: 2113

time of the error is recorded, and a technician is informed of the error via electronic mail (column 20: lines 41-56).

It would have been obvious to a person skilled in the art at the time the invention was made to include wherein said data comprises a date and a time that indicates when said error condition was determined, and wherein said message is an electronic mail message comprising details of said error condition into the system taught by Worley above. This would have been obvious because like McGregor, Worley also teaches of a system that reports errors to a remote technician, and further, McGregor teaches that by including details of an error, and informing a technician via electronic mail, is a useful feature (column 20: lines 41-56).

9. Claims 44-47, 49, 51, 95-98, 100 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley et al. in view of Anderson et al. (WO 00/17766).

As in claims 44, 45, 95 and 96, Worley discloses the system above. However, Worley does not clearly disclose wherein said one or more test signals simulate a press of a prespecified key on a keyboard, wherein said one or more stages are further adapted to: determine whether a signal was not transmitted by said controlled computing device to illuminate a prespecified light on said keyboard in response to said one or more test signals, and generate said error indicator if said signal was not transmitted by said controlled computing device to illuminate said prespecified light on said keyboard in response to said one or more test signals, and wherein said prespecified key is selected from the set of: (i) a num lock key; (ii) a caps lock key; (iii) a scroll lock key; and wherein said prespecified light is respectively selected from the set of: (i) a num

Art Unit: 2113

lock light; (ii) a caps lock light; (iii) a scroll lock light. Anderson discloses a remote access system that captures signals such as num lock light status, scroll lock light status and caps lock light status (Abstract, pages 38-40).

It would have been obvious to a person skilled in the art at the time the invention was made to include capturing signals such as num lock light status, scroll lock light status and caps lock light status into the system taught by Worley above. This would have been obvious because Worley clearly teaches of sending simulated keyboard strokes to a remote computer in order to test the remote computer (column 8: lines 55-61). Being that Anderson clearly teaches of a system that determines the status of a keyboard by monitoring the num lock light status, scroll lock light status and caps lock light status, a person skilled in the art would have been led to implement this same type of monitoring into the simulated keyboard strokes taught by Worley above.

As in claims 46 and 97, the Applicant is directed to claim 20 above (taught by Worley).

As in claims 47 and 98, the Applicant is directed to claim 21 above (taught by Worley).

As in claims 49 and 100, the Applicant is directed to claim 23 above (taught by Worley).

As in claims 51 and 102, the Applicant is directed to claim 1 above (taught by Worley).

Art Unit: 2113

10. Claims 48, 50, 99 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley et al. in view of Anderson et al., as applied to claims 47, 49, 98 and 100 above, respectively, and further in view of McGregor et al..

As in claims 48, 50, 99 and 101, Worley and Anderson discloses the system above. However, neither clearly disclose wherein said data comprises a date and a time that indicates when said error condition was determined, and wherein said message is an electronic mail message comprising details of said error condition. McGregor discloses a system wherein when errors are detected, the date and time of the error is recorded, and a technician is informed of the error via electronic mail (column 20: lines 41-56).

It would have been obvious to a person skilled in the art at the time the invention was made to include wherein said data comprises a date and a time that indicates when said error condition was determined, and wherein said message is an electronic mail message comprising details of said error condition into the system taught by Worley and Anderson above. This would have been obvious because like McGregor, Worley also teaches of a system that reports errors to a remote technician, and further, McGregor teaches that by including details of an error, and informing a technician via electronic mail, is a useful feature (column 20: lines 41-56).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott T Baderman  
Primary Examiner  
Art Unit 2113

STB